

FILED & ENTERED

MAY 05 2015

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

ORDER NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

GARRY MICHAEL KANN,
Debtor.

No. 2:13-bk-23722-RK

Chapter 7

Adv. No. 2:13-ap-01840-RK

GARRETT KELLY KRAUSE,
Plaintiff,

vs.

GARRY MICHAEL KANN,
Defendant.

**ORDER: (1) DENYING CROSS-
MOTIONS TO COMPEL DEPOSITION
AND MOTION TO COMPEL MEDIATION
AND EXTEND DISCOVERY, AND (2)
GRANTING SHORT EXTENSION OF
TIME TO COMPLETE MEDIATION**

Pending before the court are the Motion of Plaintiff to Compel Deposition of Defendant, Compel Mediation Pursuant to Court Order, and Extend Discovery and Mediation Cutoff Dates (ECF 70) and the Cross-Motion of Defendant to Compel Deposition of Plaintiff (ECF 77) (the "Motions"). The Motions are currently set for hearing on May 6, 2015 at 3:30 p.m. Having reviewed the moving and opposing papers, the court determines that oral argument on the Motion is not necessary, the court dispenses with oral argument, takes the Motions under submission, vacates the hearing on the Motions set for May 6, 2015 and rules as follows.

1 In the Motions and their supporting declarations, the parties describe the various
2 attempts at discovery over the course of this case. Pursuant to the court's prior orders
3 approving two stipulations by the parties to extend discovery and pretrial scheduling
4 dates, the discovery cutoff date was May 2, 2015, mediation is to be completed by May
5 17, 2015, and a post-discovery status conference is set for May 26, 2015.

6 After reviewing the Motions and supporting declarations, the court determines that
7 it should deny the Motions for failure to comply with the pre-filing conference and dispute
8 stipulation requirements of Local Bankruptcy Rule 7026-1, and for lack of good cause,
9 including expiration of the discovery period and the provision of ample time for the parties
10 to complete the necessary discovery as this adversary proceeding was initiated when the
11 complaint was filed on August 16, 2013 (ECF 1), the answer to the second amended
12 complaint was filed on May 14, 2014 (ECF 46), the order approving the first stipulation to
13 extend the discovery cutoff date from November 1, 2014 to February 5, 2015 was
14 entered (ECF 62) and the order approving the second stipulation to extend the discovery
15 cutoff date from February 2, 2015 to May 2, 2015 (ECF 65). However, leave is granted
16 for a short extension of time to complete mediation since it appears that the parties are
17 close to not meeting the current deadline.

18 Accordingly, the court hereby orders as follows:

- 19 1. Plaintiff's Motion to Compel is denied.
- 20 2. Plaintiff's Motion to Extend Discovery is denied.
- 21 3. Defendant's Motion to Compel Deposition is denied.
- 22 4. The deadline for completion of mediation is extended to May 29, 2015.

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1 5. The hearing on the Motions set for May 6, 2015 at 3:30 is vacated and
2 taken off calendar.

3 IT IS SO ORDERED.

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23 Date: May 5, 2015



24 _____
25 Robert Kwan
26 United States Bankruptcy Judge
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